

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE  
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,

Defendants.

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**NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL**

Plaintiff CSX Transportation, Inc. (“CSX”), by counsel, hereby provides notice, pursuant to Local Rule 5(C), that it has moved the Court to seal portions of its unredacted Consolidated Opposition to Defendants’ Objections to Denial of Motions *in Limine* to Exclude CSX’s Expert Howard P. Marvel (ECF Nos. 465, 473).

CSX specifically asks the Court to seal its unredacted Consolidated Opposition, as the materials consist of, or relate to, documents or information the parties have designated as “Confidential” or “Confidential – Attorneys Eyes Only” (“AEO”) under the Stipulated Protective Order. ECF No. 79 ¶ 16.

As set forth in CSX’s Motion to Seal and accompanying Memorandum, the Consolidated Opposition contains, discusses, and characterizes highly confidential and sensitive information relating to the Parties’ business strategy, cost structure, internal communications, and other proprietary information, the release of which could harm the Parties.

Any party or non-party may submit memoranda in support of or in opposition to this

Motion within seven (7) days designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Dated: February 7, 2023.

Respectfully submitted,

**CSX TRANSPORTATION, INC.**

*By Counsel*

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**CERTIFICATE OF SERVICE**

I certify that on this 7th day of February, 2023, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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